Claims 1, 12, 31-32, and 36-43 have been amended. Claims 1-23, 25-43, and 46-47 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests that the rejections be withdrawn and the application be forwarded on to issuance.

Interview Summary

Applicant's Representative, Mark Niemann, wishes to thank Examiner Jamie Atala for the telephone interview conducted on January 13th, 2009.

During the interview, Applicant's Representative and the Examiner discussed amending the claims to recite "tagging the first broadcast data stream with at least one flag" and "tagging the second broadcast data stream with at least one additional flag" and time shifting the first and second broadcast data streams … "using the at least one flag and the at least one additional flag". Support for this amendment can be found throughout Applicant's specification, and at least at page 14, line 19 to page 15, line 13, an excerpt from which is reproduced below:

> **Applicant's Specification, Page 14, Line 19 to Page 15, Line 13**
> In a particular embodiment, multimedia content is treated without regard to its encoding method. Instead, the multimedia content is treated as byte buffers with attributes. Components (e.g., APIs) that understand the multimedia content tag the buffers with various attributes and/or flags, such as: 1) a "cleanpoint" flag, which is applied to the first byte of the buffer, 2) a presentation time stamp applied to the first byte of the buffer, 3) a stream time stamp, which represents the time at which the first byte of the buffer is presented to the system, and 4) a discontinuity flag, which indicates whether there is a connection with previously received data. A "cleanpoint" is a play-start point, and is also referred to as a "keyframe". Some compression schemas leverage redundancy from one frame to the next. Instead of sending a complete frame, only predictive data is sent. The decoder reconstructs a complete frame based on a previously received complete frame and the predictive data. Since the predictive data is not useful without a complete frame from which to reference it, each complete frame is flagged as a "cleanpoint". This is useful for subsequent seek

requests and provides a starting point from which to resume playback. The discontinuity flag is useful in, for example, MPEG-2 because video is received as groups of pictures (GOPs) which have one reference frame and several derived frames. If a discontinuity occurs in the middle of a GOP, the decoder will discard all subsequent frames until it receives the next GOP's reference frame.

Examiner Atala stated, during the interview, that the proposed amendment would overcome the art of record, but indicated that the allowance of the claims is subject to an additional search. Accordingly, Applicant has amended all of the independent claims in a manner that is consistent with the proposed amendment that was discussed during the interview.

Applicant respectfully requests a phone call if the Examiner thinks there are any further issues that might delay issuance. Applicant greatly appreciates Examiner Atala's willingness to assist Applicant in advancing prosecution.

§101 Rejections

Claims 31 and 36-42 stand rejected under 35 U.S.C. §101. Applicant has amended claims 31 and 36-42 to recite "one or more computer-readable storage media" and respectfully requests that this rejection be withdrawn.

§103(a) Rejections

Claims 1-11 and 37-43 and 46-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,642,939 to Vallone et al. ("Vallone") in view of Patent No. WO 92/22983 to Browne ("Browne").

Claims 12-23 and 25-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vallone in view of U.S. Patent No. 5,832,085 to Inuoe et al. ("Inuoe").

As discussed above, and during the interview, all of the claims are in condition for allowance.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: Feb. 11, 2009

By: /Mark F. Niemann/

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